

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Harald MICHI et al.
Serial No.	:	10/507,276
Filing Date	:	March 10, 2005
Title	:	CRUISE CONTROL HAVING A STOP-AND-GO FUNCTION
Art Unit	:	3663
Examiner	:	Ronnie M. MANCHO
Confirmation No.	:	3860
Customer No.	:	26646



Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW ERRONEOUS HOLDING
 OF ABANDONMENT DUE TO PATENT OFFICE ERROR**

SIR:

Applicants respectfully petition the Commissioner pursuant to 37 C.F.R. § 1.181(a) to withdraw the erroneous holding of abandonment in the above-captioned application.

Applicants received a "Notice of Abandonment" dated March 22, 2007 which states that the above-captioned "application is abandoned in view of Applicant's failure to timely file a proper reply to the Office letter mailed on 14 August 2006." This statement is in error.

In fact, Applicants timely filed an Amendment (to the August 14, 2006 Office Action) on January 16, 2007, together with a certificate of mailing and the necessary extension fees, so that the response was properly and timely filed. Applicants submit herewith a copy of the Amendment authorizing payment of the two-month extension fee mailed and filed on January 16, 2007, and a copy of a return postcard that accompanied the Amendment and that has been date stamped January 22, 2007 by the United States Patent and Trademark Office.

EXPRESS MAIL LABEL NO.: EV 885 415 039 US

U.S. Pat. App. Ser. No. 10/507,276
Attorney Docket No. 10191/3951
37 C.F.R. § 1.181 Petition To
Withdraw Erroneous Holding Of Abandonment

The Amendment included a certificate of mailing in compliance with 37 C.F.R. § 1.8, which certifies that the Amendment was deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 16, 2007, so that the effective filing date was the mailing date of January 16, 2007. The Amendment also authorized charging of the two-month extension fee of (as well as any other fee required in connection with) the Amendment to Deposit Account No. 11-0600.

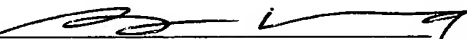
The U.S.P.T.O. date-stamped postcard -- which itemizes and properly identifies the Amendment and Extension Request that was mailed on January 16, 2007 -- is prima facie evidence of receipt by the United States Patent and Trademark Office of all items listed on the postcard for United States Application Serial No. 10/507,276 -- namely, the Amendment and Extension Request mailed and filed on January 16, 2007 (as evidenced by the date stamped thereon by the United States Patent and Trademark Office).

Applicants therefore respectfully request that the enclosed copy of the Amendment mailed and filed on January 16, 2007 be entered in the present application, and Applicants respectfully petition the Commissioner under 37 C.F.R. § 1.181(a) to withdraw the erroneous holding of abandonment -- which was in error since a response was timely filed and received by the U.S.P.T.O.

As this petition was necessitated by Patent Office error, no fee is believed to be required in connection with this petition under 37 C.F.R. § 1.181(a). However, the Commissioner is authorized to charge any fees that may be necessary in connection with this petition under 37 C.F.R. § 1.181(a) (or any other matter relating to the above-captioned application) to the deposit account of **Kenyon & Kenyon LLP, Deposit Account No. 11-0600.**

Respectfully submitted,

Date: 5/1/07

By: 

Gerard A. Messina
Reg. No. 35,952
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
Customer Number 26646

EXPRESS MAIL LABEL NO.: EV 885 415 039 US

Case No. 10191/3951
Ser. No. 101507276

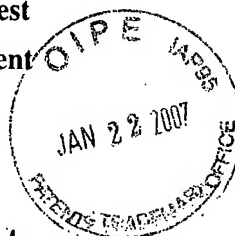
Atty. JHL
Due Date 1/16/07

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- ☐ Application
- ☒ Amendment AF
- ☐ Assignment
- ☐ Notice of Appeal
- ☐ Prior Art Statement
- ☐ Appeal Brief

- ☒ Extension Request
- ☐ Priority Document
- ☐ Issue Fee
- ☐ Declaration
- ☐ Small Entity

☒ Dep auct 11-0600



Pike Expedition, November 1806, Rocky Mountains

Kenyon & Kenyon LLP

One Broadway

New York, N.Y. 10004

